

ORIGINAL



0000156449

BEFORE THE ARIZONA CORPORATION COMMISSION  
RECEIVED

Arizona Corporation Commission

DOCKETED

OCT - 1 2014

COMMISSIONERS

BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

2014 OCT - 1 A 11: 22

ARIZONA CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY

nr

IN THE MATTER OF THE APPLICATION  
OF VOXBEAM TELECOMMUNICATIONS,  
INC. D/B/A MAGIC TELECOM FOR  
APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE RESOLD LONG DISTANCE  
AND FACILITIES-BASED LOCAL  
EXCHANGE TELECOMMUNICATIONS  
SERVICES.

DOCKET NO. T-20900A-13-0423

**PROCEDURAL ORDER**  
**(Setting a Hearing Date)**

**BY THE COMMISSION:**

On December 6, 2013, Voxbeam Telecommunications, Inc. d/b/a Magic Telecom ("Voxbeam" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance and facilities-based local exchange telecommunications services in Arizona. Voxbeam's application also requests a determination that its proposed services are competitive in Arizona.

On March 24, 2014, Voxbeam filed its Response to Staff's First Set of Data Requests.

On June 27, 2014, Voxbeam filed its Response to Staff's Second Set of Data Requests. In addition, Voxbeam filed amended local exchange telecommunications and switched access service tariffs.

On September 11, 2014, the Commission's Utilities Division ("Staff") filed its Staff Report recommending approval of Voxbeam's application, subject to certain conditions.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **December 4, 2014 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's office, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Voxbeam Telecommunications, Inc. d/b/a Magic Telecom shall publish, by October 23, 2014, notice of the application and hearing date in a newspaper of general circulation in every county in Arizona in which the Company desires to provide service, in the following form and style, with the heading no less than 8 point bold type, and the body no less than 6-point regular type:

**IN THE MATTER OF THE APPLICATION OF VOXBEAM TELECOMMUNICATIONS, INC. D/B/A MAGIC TELECOM FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RESOLD LONG DISTANCE AND FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES.**  
**DOCKET NO. T-20900A-13-0423**

On December 6, 2013, Voxbeam Telecommunications, Inc. d/b/a Magic Telecom ("Voxbeam" or the "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance and facilities-based local exchange telecommunications services in Arizona. Voxbeam's application also requests a determination that its proposed services are competitive in Arizona. The Commission's Utilities Division ("Staff") has recommended approval of Voxbeam's application, subject to certain conditions. The Commission will issue a Decision following consideration of testimony and evidence presented at an evidentiary hearing. The Commission is not bound by the proposals made by Voxbeam, Staff, or intervenors. If the Company's application is approved, Voxbeam will be required to provide service under the rates, charges, terms and conditions established by the Commission.

Copies of Voxbeam's application, the Staff Report, and any written objections to the Staff Report filed by the Company are available at Voxbeam's offices [Insert Company Address]; at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona; and on the internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

The Commission will hold a hearing on Voxbeam's application on **December 4, 2014, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing **Docket No. T-20900A-13-0423** to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007 or on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) by clicking on the "Submit a Comment" button. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you would like to intervene, you must file a written motion to intervene with the Commission, and you must send copies of the motion to Voxbeam or its counsel and to all parties of record in the case. Your motion to intervene must contain the following:

- 1        1.     The name, address, and telephone number of the proposed intervenor and of  
2             any person upon whom service of documents is to be made if different from  
3             the intervenor;
- 4        2.     A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
5             a customer or potential customer of the Company, a member or shareholder of  
6             the Company, etc.);
- 7        3.     A statement certifying that a copy of the motion to intervene has been mailed  
8             to the Company or its counsel and to all parties of record in the case; and
- 9        4.     If the proposed intervenor is not represented by an attorney who is an active  
10            member of the Arizona State Bar, and is not an individual representing  
11            himself or herself, information and any appropriate documentation  
12            demonstrating the intervenor's compliance with Arizona Supreme Court Rules  
13            31, 38, and 42, as applicable.

14        The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
15        that all motions to intervene must be filed on or before November 6, 2014. The  
16        granting of intervention, among other things, entitles a party to present sworn  
17        evidence at the hearing and to cross examine other witnesses. However, failure to  
18        intervene will not preclude any interested person or entity from appearing at the  
19        hearing and making a statement on their own behalf. All parties must comply with  
20        Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to the  
21        practice of law.

22        The Commission does not discriminate on the basis of disability in admission to its  
23        public meetings. Persons with a disability may request a reasonable accommodation  
24        such as a sign language interpreter, as well as request this document in an alternative  
25        format, by contacting the ADA Coordinator, Shaylin Bernal, at SABernal@azcc.gov,  
26        voice phone number 602-542-3931. Requests should be made as early as possible to  
27        allow time to arrange the accommodation.

28        IT IS FURTHER ORDERED that **Voxbeam Telecommunications, Inc. d/b/a Magic**  
Telecom shall file, by November 6, 2014, an Affidavit of Publication with the Commission.

IT IS FURTHER ORDERED that **all motions for intervention shall be filed by November**  
**6, 2014**, and shall be in accordance with A.A.C. R14-3-105.

IT IS FURTHER ORDERED that any **objections to intervention(s) shall be filed by**  
**November 20, 2014**.

IT IS FURTHER ORDERED that **specific disagreements/comments, if any, to the Staff**  
**Report or application shall be filed by November 13, 2014**.

IT IS FURTHER ORDERED that **all parties must comply with Arizona Supreme Court**  
**Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law in Arizona and before**  
**the Commission and admission *pro hac vice***.


...

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 1<sup>st</sup> day of October, 2014.

  
SCOTT M. HESLA  
ADMINISTRATIVE LAW JUDGE

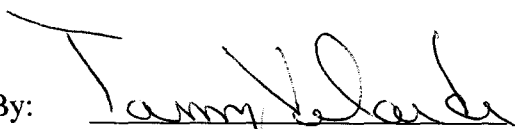
Copies of the foregoing mailed  
this 1<sup>st</sup> day of October, 2014 to:

Mr. Ryan Rapolti  
Voxbeam Communications, Inc.  
7450 Dr. Phillips Boulevard  
Orlando, FL 32819

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, AZ 85007

Ms. Sharon Thomas, Consultant  
Technologies Management, Inc.  
2600 Maitland Center Parkway  
Suite 300  
Maitland, FL 32751

Steven Olea, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, AZ 85007

By:   
Tammy Velarde  
Assistant to Scott M. Hesla

COASH & COASH  
COURT REPORTING, VIDEO AND  
VIDEOCONFERENCING  
1802 North 7<sup>th</sup> Street  
Phoenix, AZ 85006